

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 23, 2008, (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant notes that the Office Action is silent with respect to Claim 8. As this claim is not rejected, Applicant assumes that the claim is in condition for allowance and requests that Claim 8 be identified as being allowed. If this assumption is incorrect, Applicant requests clarification and an opportunity to respond.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, and in an effort to place the application in condition for allowance, Applicant has amended the independent claims to indicate that at least part of the content of the data element is indexed and such indexed part is coded and assigned as an identifier. Support for these changes may be found in the instant Specification, for example, at paragraphs [0033], [0030], and [0040]; therefore, these changes do not introduce new matter. None of the asserted references disclose indexing predetermined content to be coded for management object addressing purposes, assignment of indexed content in coded form as an identifier of a management object, or addressing a management object using such a created identifier, as now claimed. Thus, each of the pending claims is believed to be patentable over the asserted references, and Applicant accordingly requests that each of the prior art rejections be withdrawn.

Moreover, the relied-upon teachings of Erlenkoetter fail to disclose device management related features. For example, Erlenkoetter does not teach assigning an indexed content of a predetermined data element as an identifier for a device management object or further use of such created identifier to address the device management object in a device management tree. In contrast, Erlenkoetter is directed to web browsing, and specifically, HTML code generation based on hypermedia objects. While a URL (as included in a tree of hypermedia objects) is asserted as corresponding to the claimed data element in coded form, there is no teaching or suggestion that the URL is indexed when

including it in the tree of hypermedia objects. Thus, the teachings of Erlenkoetter further fail to correspond to the claimed limitations.

Applicant further maintains that the asserted alignment of the teachings of Erlenkoetter is inconsistent and fails to provide correspondence to the claimed limitations as explained previously and incorporated herein. For example, the Office Action states “[t]he management object corresponds to the URL for an object”; however, the Office Action also states “the at least part of the content of the data element in coded form refers to the URL that references the data element as a management object”. Thus, the Office Action asserts that a URL corresponds to both a management object and a coded part of content of a data element. Erlenkoetter’s description of the content of the URL at column 6, lines 55-64, makes no indication toward the URL being coded from at least part of the content of an attribute (asserted as corresponding to the claimed predetermined data element). Thus, the asserted alignment of Erlenkoetter is misplaced, and without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper.

With particular respect to the § 103(a) rejection of Claims 2 and 3, the traversal is maintained because the asserted modification of Erlenkoetter is unsupported. Erlenkoetter is directed to management of hyper media objects for web browsing but makes no mention of device management or synchronization between a client and a server device. Notably, Erlenkoetter does not use the terms “client” or “synchronize”. Thus, the assertion that a skilled artisan would modify Erlenkoetter to employ SyncML device management protocol is unsupported and illogical. Without a presentation of reasoning based on a rational underpinning, the asserted modification of Erlenkoetter is unsupported and the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

With respect to the § 101 rejection of Claim 12, Applicant respectfully traverses. The Office Action asserts that because the Specification suggests that the claimed invention may be implemented using software, the claimed apparatus would be considered software *per se*. However, the cited portion of the Specification states that “It is also possible to use hardware solutions or a combination of hardware and software solutions to implement the inventive means.” Such a statement does not suggest that an apparatus as claimed may be

merely an interrelationship of software components but rather, that the implementation includes some combination of hardware. Moreover, Claim 12 is a means-plus-function claim. According to 35 U.S.C. § 112, sixth paragraph, a claim limitation expressed in means-plus-function language “shall be construed to cover the corresponding structure described in the specification and equivalents thereof.” Thus, the apparatus described in Claim 12 is directed to at least one of a machine, manufacture, or composition of matter, and thus is directed to statutory subject matter. Applicant accordingly requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

In addition, new Claims 13-20 have been added. Support for these claims may be found in Claims 6 and 9 and in the Specification, for example, at paragraphs [0030] and [0033]; therefore, the claims do not introduce new matter. These claims are also believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.050PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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